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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/631,182

07/31/2003

Charles R. Steinmetz

200206249-1

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01/27/2006

HEWLETT PACKARD COMPANY

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INTELLECTUAL PROPERTY ADMINISTRATION

FORT COLLINS, CO 80527-2400

EXAMINER

HUFFMAN, JULIAN D

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	Application No. 10/631,182	Applicant(s) STEINMETZ ET AL.	
	Examiner Julian D. Huffman	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 13, 14 and 19 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-8, 13, 14 and 19 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not provide antecedent basis for the language "the finger stops having a combined surface area approximately equal to the difference between the surface area of the printer interface portion and the cross-sectional area of the user interface".

### *Claim Rejections - 35 USC § 102*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto et al. (US 20030234844 A1).

With regards to claim 1, Yamamoto et al. discloses a printer consumable for replaceable installation in a printer, the consumable comprising:

a printer interface end (fig. 2d, element 14b) having a surface area upon which printer functional interfaces are arranged (fig. 2d, elements 27, 28, 17 and 23);

a user interface end (fig. 2b, top portion of cartridge) distal from the printer interface end (fig. 2b), the user interface end having a cross-sectional area that is less than the surface area of the printer interface end (the user interface end lacks the

blades 22, 23 and thus has a smaller cross-sectional area than the printer interface end), wherein the user interface end is devoid of printer functional interfaces (fig. 2);

a handle portion integral with the user interface end (14a);

finger stops (25) integral with the handle portion and positioned between the printer interface end and the user interface end (fig. 2), the finger stops extending outwardly from the handle portion (fig. 2), the finger stops having a combined surface area approximately equal to the difference between the surface area of the printer interface end and the cross-sectional area of the user interface (fig. 2).

With regards to claim 2 the printer consumable further comprises a clear visual demarcation (ribs 25) between the printer interface end (14b) and the user interface end (14a).

With regards to claim 3, the clear visual demarcation (ribs 25) comprises the printer interface end (14b) and user interface end (14a) being formed of materials having differing color, texture, or opacity (texture).

With regards to claim 4, the printer consumable comprises a boundary (between 14f and ribs 25) between the printer interface end (14b) and the user interface end (14a), and wherein the clear demarcation comprises the boundary lying substantially along a plane (fig. 2, ribs 25 are formed in a plane parallel to cartridge side walls).

With regards to claim 5, the user interface end (14a), the handle portion (14a) and the finger stops (25) are formed of substantially flat segments joined by rounded corners (fig. 1a and fig. 2a).

With regards to claim 6, the printer interface end (14b) further comprises a substantially flat face (fig. 2d, element 14b), and wherein at least a fluid port (27, 28), an electrical interface (17), and a keying feature (22, 23) are positioned on the substantially flat face.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Carrese et al.

With regards to claim 8 Yamamoto additionally discloses that the grasping/handle portion has an outer surface (fig. 2).

Yamamoto discloses everything claimed, as discussed above, with the exception of coloring the grasping/handle portion to indicate color of ink in the consumable thereby providing indicia of consumable contents as found in claim 7.

Carrese et al. discloses color coding an ink tank (column 6, lines 49-51).

It would have been obvious to one having ordinary skill in the art at the time of the invention to color the consumable of Yamamoto the same color as the ink in the consumable, as taught by Carrese et al. into Yamamoto, for the purpose of facilitating placing the appropriate color ink tank in its appropriate position in the tank support structure (column 6, lines 49-51).

The combination discloses coloring the entirety of the consumable and the combination teaches the claim limitations directed towards coloring the upper surface and rear surface of the grasping/handle portion and/or the entirety of the grasping/handle portion.

6. Claims 13, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto as modified by Carrese et al. as applied to claims 1 and 7 above, and further in view of Hinami et al. (U.S. 5,831,652).

Yamamoto as modified by Carrese et al. disclose everything claimed with the exception of providing multiple indicia including a symbolic indication of ink color on the user end in addition to coloring portions of the consumable to match the ink in the consumable.

Hinami et al. discloses writing the color of the ink on the top of the cartridge (fig. 2).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Yamamoto as modified by Carrese et al. by writing the color of ink on the top of the cartridge, for the purpose of providing an additional indication of color to a user who may be color blind.

### ***Response to Arguments***

7. Applicant argues that Yamamoto et al. fails to disclose or suggest a handle portion with finger stops that are positioned between a printer interface end and a user interface end and extend outwardly from the handle portion and have a combined

surface area approximately equal to the difference between the surface area of the printer interface portion and the cross-sectional area of the interface. This argument has been considered and is not deemed persuasive. Yamamoto discloses these features as discussed above. Further, a lack of antecedent basis in the specification for the terminology and further, the absence of drawings to scale, complicates a clear interpretation of the limitation regarding the combined surface area. The later, combined with the broad language "approximately" requires the examiner to interpret this language broadly. Accordingly, this limitation is anticipated by Yamamoto as apparent from fig. 2.

### ***Conclusion***

**8. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian D. Huffman whose telephone number is (571) 272-2147. The examiner can normally be reached on 10:00a.m.-6:30p.m. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Julian D. Huffman  
10 January 2006

  
K. Figgins  
PRIMARY EXAMINER